

OLF3 (Official Local Form 3)  
Effective December 1, 2017

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:  
**Nhuong T. Nguyen**  
Debtor(s)

Case No.: **19-12339**  
Chapter 13

CHAPTER 13 PLAN

Check one. This plan is:

- ☒ Original  
☐ Amended (Identify First, Second, Third, etc.)  
☐ Postconfirmation (Date Order Confirming Plan Was Entered: \_\_\_\_\_)  
 Date this plan was filed: **August 6, 2019**

PART 1: NOTICES

**TO ALL INTERESTED PARTIES:**

You should review carefully the provisions of this Plan as your rights may be affected. In the event the Court enters an order confirming this Plan, its provisions may be binding upon you. The provisions of this Plan are governed by statutes and rules of procedure, including Title 11 of the United States Code (the "Bankruptcy Code"), the Federal Rules of Bankruptcy Procedure ("Fed. R. Bankr. P."), the Massachusetts Local Bankruptcy Rules ("MLBR"), and, in particular, the Chapter 13 rules set forth in Appendix 1 of MLBR, all of which you should consult.

**TO CREDITORS:**

Your rights may be affected by this Plan. Your claim may be reduced, modified, or eliminated. Read this Plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one. If you oppose this Plan's treatment of your claim or any other provision of this Plan, you or your attorney **must** file with the Court an objection to confirmation on or before the later of (i) thirty (30) days after the date on which the first Meeting of Creditors pursuant to 11 U.S.C. § 341 is held or (ii) thirty (30) days after service of an amended or modified Plan, unless the Court orders otherwise. A copy of your objection must be served on the Debtor(s), the attorney for the Debtor(s), and the Chapter 13 Trustee (the "Trustee"). The Bankruptcy Court may confirm this Plan if no objection to confirmation is filed or if it overrules an objection to confirmation. You have received or will receive a Notice of Chapter 13 Bankruptcy Case from the Bankruptcy Court which sets forth certain deadlines, including the bar date for filing a Proof of Claim. **To receive a distribution, you must file a Proof of Claim.**

**TO DEBTOR(S):**

You (or your attorney) are required to serve a copy of this Plan on all creditors in the manner required under the Bankruptcy Code, the Fed. R. Bankr. P., and MLBR. Unless the Court orders otherwise, you must commence making payments not later than the earlier of (i) thirty (30) days after the date of the filing of this Plan or (ii) thirty (30) days after the order for relief. **You must check a box on each line below to state whether or not this Plan includes one or more of the following provisions. If you check the provision "Not Included," if you check both boxes, or if you do not check a box, any of the following provisions will be void if set forth later in this Plan. Failure to properly complete this section may result in denial of confirmation of this Plan.**

FOR EACH LINE BELOW, DO NOT CHECK BOTH BOXES; DO NOT LEAVE BOTH BOXES BLANK.

1.1	A limit on the amount of a secured claim, set out in Part 3.B.1, which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Part 3.B(3).	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included

PART 2: PLAN LENGTH AND PAYMENTS

A. **LENGTH OF PLAN:**

- ☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);  
☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);  
☒ **60 Months. 11 U.S.C. § 1322(d)(2). The Debtor(s) states the following cause: Due to Feasibility.**

B. **PROPOSED MONTHLY PAYMENTS:**

Monthly Payment Amount	Number of Months
<b>\$1,943.00</b>	<b>60</b>

**C. ADDITIONAL PAYMENTS:**

Check one.

☒ **None.** If "None" is checked, the rest of Part 2.C need not be completed and may be deleted from this Plan.

**The total amount of Payments to the Trustee [B+C]:**

**\$116,580.00**

*This amount must be sufficient to pay the total cost of this Plan in Exhibit 1, Line h.*

**PART 3: SECURED CLAIMS**

☐ **None.** If "None" is checked, the rest of Part 3 need not be completed and may be deleted from this Plan.

**A. CURE OF DEFAULT AND MAINTENANCE OF PAYMENTS:**

Check one.

☐ **None.** If "None" is checked, the rest of Part 3.A need not be completed and may be deleted from this Plan.

☒ **Any Secured Claim(s) in default shall be cured and payments maintained as set forth in (1) and/or (2) below.**  
Complete (1) and/or (2).

**(1) PREPETITION ARREARS TO BE PAID THROUGH THIS PLAN**

Prepetition arrearage amounts are to be paid through this Plan and disbursed by the Trustee. Unless the Court orders otherwise, the amount(s) of prepetition arrearage listed in an allowed Proof of Claim controls over any contrary amount(s) listed below. Unless the Court orders otherwise, if relief from the automatic stay is granted as to any collateral listed in this paragraph, all payments paid through this Plan as to that collateral will cease upon entry of the order granting relief from stay.

(a) Secured Claim(s) (Principal Residence)

Address of the Principal Residence: **14 Sprague Street Revere, MA 02151**

The Debtor(s) estimates that the fair market value of the Principal Residence is: \$ **563,750.00**

Name of Creditor	Type of Claim (e.g., mortgage, lien)	Amount of Arrears
Selene Finance	Mortgage 14 Sprague Street Revere, MA 02151 Suffolk County	\$68,652.20
Specialized Loan Servicing	Mortgage 14 Sprague Street Revere, MA 02151 Suffolk County	\$20,558.00

Total of prepetition arrears on Secured Claim(s) (Principal Residence): **\$89,210.20**

(b) Secured Claim(s) (Other)

Name of Creditor	Type of Claim	Description of Collateral (or address of real property)	Amount of Arrears

Total of prepetition arrears on Secured Claim(s) (Other): **\$0.00**

**Total prepetition arrears to be paid through this Plan [(a) + (b)]: \$89,210.20**

**(2) MAINTENANCE OF CONTRACTUAL INSTALLMENT PAYMENTS (TO BE PAID DIRECTLY TO CREDITORS):**

Contractual installment payments are to be paid directly by the Debtor(s) to creditor(s). The Debtor(s) will maintain the contractual installment payments as they arise postpetition on the secured claims listed below with any changes required by the applicable contract and noticed in conformity with any applicable rules.

Name of Creditor	Type of Claim	Description of Collateral
Selene Finance	Mortgage	14 Sprague Street Revere, MA 02151 Suffolk County
Toyota Financial Services	Automobile	2015 Lexus RX350 70,000 miles

**B. MODIFICATION OF SECURED CLAIMS:**

Check one.

- ☐ **None.** If “None” is checked, the rest of Part 3.B need not be completed and may be deleted from this Plan.
- ☒ **Secured Claim(s) are modified as set forth in 1, 2, and/or 3 below. Complete 1, 2, and/or 3 below.**

**(1) REQUEST FOR VALUATION OF SECURITY, PAYMENT OF FULLY SECURED CLAIMS, AND MODIFICATION OF UNDERSECURED CLAIMS UNDER 11 U.S.C. § 506:**

- ☒ **None.** If “None” is checked, the rest of Part 3.B.1 need not be completed and may be deleted from this Plan.

**(2) SECURED CLAIMS EXCLUDED FROM 11 U.S.C. § 506:**

- ☒ **None.** If “None” is checked, the rest of Part 3.B.2 need not be completed and may be deleted from this Plan.

**(3) LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f):**

- ☐ **None.** If “None” is checked, the rest of Part 3.B.3 and Exhibits 3 and 4 need not be completed and may be deleted from this Plan.

**The following Plan provisions of Part 3.B.3 are effective only if the box “Included” in Part 1, Line 1.2 is checked.**

The judicial lien(s) and/or nonpossessory, nonpurchase-money security interest(s) securing the claim(s) listed below impairs exemptions to which the Debtor(s) would have been entitled under 11 U.S.C. § 522(b).

Subject to 11 U.S.C. § 349(b), a judicial lien or nonpossessory, nonpurchase-money security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the Order confirming this Plan. The amount of the judicial lien or nonpossessory, nonpurchase-money security interest that is avoided will be treated as a nonpriority unsecured claim in Part 5 if a Proof of Claim has been filed and allowed. The amount, if any, of the judicial lien or nonpossessory, nonpurchase-money security interest that is not avoided will be paid in full as a secured claim under this Plan provided a Proof of Claim is filed and allowed.

For each judicial lien that the Debtor(s) seeks to avoid, the Debtor(s) shall include the information below. The Debtor(s) also shall complete the chart set forth in Exhibit 3 to this Plan and shall attach to Exhibit 3 a true and accurate copy of the document evidencing such judicial lien as filed or recorded with filing or recording information included. The Debtor(s) shall include the evidentiary basis for the valuation asserted. For each judicial lien that the Debtor(s) seeks to avoid, the Debtor(s) shall provide a proposed form(s) of order as Exhibit 4 conforming to Official Local Form 21A. If the Debtor(s) is avoiding more than one lien, the Debtor(s) shall provide the information in a separate table in Exhibit 3 for each lien, and identify the tables as Exhibit 3.1, 3.2, etc.

The claim(s) identified below must also be set forth in Exhibit 3.

Name of Creditor	Exhibit Table (e.g., 3.1, 3.2, 3.3)
Midland Funding	3.1

**Total Claim(s) under Part 3.B.3 to be paid through this Plan: \$0.00**

**C. SURRENDER OF COLLATERAL:**

Check one.

- ☒ **None.** If “None” is checked, the rest of Part 3.C need not be completed and may be deleted from this Plan.

**PART 4: PRIORITY CLAIMS**

Check one

- ☐ **None.** If “None” is checked, the rest of Part 4 need not be completed and may be deleted from this Plan.
- ☒ **The following priority claim(s) will be paid in full without postpetition interest. Unless the Court orders otherwise, the amount of the priority portion of a filed and allowed Proof of Claim controls over any contrary amount listed below.**

**A. DOMESTIC SUPPORT OBLIGATIONS:**

Name of Creditor	Description of Claim	Amount of Claim
-NONE-		

**B. OTHER PRIORITY CLAIMS (Except Administrative Expenses):**

Name of Creditor	Description of Claim	Amount of Claim
-NONE-		

**Total of Priority Claim(s) (except Administrative Expenses) to be paid through this Plan: \$0.00**

**C. ADMINISTRATIVE EXPENSES:**

**(1) ATTORNEY'S FEES:**

Name of Attorney	Attorney's Fees
Richard D. Smeloff 567869	\$1,500.00

If the attorney's fees exceed the amount set forth in MLBR, Appendix 1, Rule 13-7, the Trustee may not pay any amount exceeding that sum until such time as the Court approves a fee application. If no fee application is approved, any plan payments allocated to attorney's fees in excess of MLBR Appendix 1, Rule 13-7 will be disbursed to other creditors up to a 100% dividend.

**(2) OTHER (Describe):**

-NONE-
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**Total Administrative Expenses (excluding the Trustee's Commission) to be paid through this Plan [(1) + (2)]: \$1,500.00**

**(3) TRUSTEE'S COMMISSION:**

The Debtor shall pay the Trustee's commission as calculated in Exhibit 1.

The Chapter 13 Trustee's fee is determined by the United States Attorney General. The calculation of the Plan payment set forth in Exhibit 1, Line (h) utilizes a 10% Trustee's commission. In the event the Trustee's commission is less than 10%, the additional funds collected by the Trustee, after payment of any allowed secured and priority claim(s), and administrative expense(s) as provided for in this Plan, shall be disbursed to nonpriority unsecured creditors up to 100% of the allowed claims.

**PART 5: NON PRIORITY UNSECURED CLAIMS**

Check one.



None. If "None" is checked, the rest of Part 5 need not be completed and may be deleted from this Plan.



Any allowed nonpriority unsecured claim(s) other than those set forth in Part 5.F will be paid as stated below. Only a creditor holding an allowed claim is entitled to a distribution.

☐ Fixed Amount ("Pot Plan"): each creditor with an allowed claim shall receive a pro rata share of \$\_\_, which the Debtor(s) estimates will provide a dividend of \_\_%.

☒ Fixed Percentage: each creditor with an allowed claim shall receive no less than 100 % of its allowed claim.

**A. GENERAL UNSECURED CLAIMS:**

**\$14,186.61**

**B. UNSECURED OR UNDERSECURED CLAIMS AFTER MODIFICATION IN PART 3.B OR 3.C:**

Name of Creditor	Description of Claim	Amount of Claim
-NONE-		

**C. NONDISCHARGEABLE UNSECURED CLAIMS (e.g., student loans):**

Name of Creditor	Description of Claim	Amount of Claim
None		

**D. CLAIMS ARISING FROM REJECTION OF EXECUTORY CONTRACTS OR LEASES:**

Name of Creditor	Description of Claim	Amount of Claim
-NONE-		

**E. TOTAL TO BE PAID TO NONPRIORITY UNSECURED CREDITORS THROUGH THIS PLAN:**

The amount paid to nonpriority unsecured creditor(s) is not less than that required under the Liquidation Analysis set forth in Exhibit 2.

Total Nonpriority unsecured Claims [A + B + C + D]: **\$14,186.61**

Enter Fixed Amount (Pot Plan) or multiply total nonpriority unsecured claim(s) by Fixed Percentage and enter that amount: **\$14,186.61**

**F. SEPARATELY CLASSIFIED UNSECURED CLAIMS (e.g., co-borrower):**

Name of Creditor	Description of Claim	Amount of Claim	Treatment of Claim	Basis for Separate Classification
-NONE-				

Total of separately classified unsecured claim(s) to be paid through this Plan: **\$0.00**

**PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Check one.

☒ **None.** If "None" is checked, the rest of Part 6 need not be completed and may be deleted from this Plan.

**PART 7: POSTCONFIRMATION VESTING OF PROPERTY OF THE ESTATE**

If the Debtor(s) receives a discharge, property of the estate will vest in the Debtor(s) upon entry of the discharge. If the Debtor(s) does not receive a discharge, property of the estate will vest upon the earlier of (i) the filing of the Chapter 13 Standing Trustee's Final Report and Account and the closing of the case or (ii) dismissal of the case.

**PART 8: NONSTANDARD PLAN PROVISIONS**

☒ **None.** If "None" is checked, the rest of Part 8 need not be completed and may be deleted from this Plan.

☐ **This Plan includes the following nonstandard provisions.** Under Fed. R. Bankr. P. 3015(c), each nonstandard provision must be set forth below in a separately numbered sentence or paragraph. A nonstandard provision is a provision not otherwise included in Official Local Form 3, or which deviates from Official Local Form 3. Nonstandard provisions set forth elsewhere in this Plan are ineffective. To the extent the provisions in Part 8 are inconsistent with other provisions of this Plan, the provisions of Part 8 shall control if the box "Included" is checked in Part 1, Line 1.3.

**PART 9: SIGNATURES**

By signing this document, Debtor(s) acknowledges reviewing and understanding the provisions of this Plan and the Exhibits filed as identified below.

By signing this document, the Debtor(s) and, if represented by an attorney, the attorney for the Debtor(s), certifies that the wording and order of the provisions in this Plan are identical to those contained in Official Local Form 3, including the Exhibits identified below, other than any Nonstandard Plan Provisions in Part 8.

/s/ **Nhuong T. Nguyen**

**Nhuong T. Nguyen**

Debtor

**August 6, 2019**

Date

Debtor

Date

/s/ **Richard D. Smeloff**

Date **August 6, 2019**

Signature of attorney for Debtor(s)

**Richard D. Smeloff 567869**  
**567869 MA**  
**Smeloff & Associates**  
**500 Granite Ave**  
**Suites 7&8**  
**Milton, MA 02186**  
**617-690-2124**  
**rsmeloff@msn.com**

The following Exhibits are filed with this Plan:

- ☒ **Exhibit 1: Calculation of Plan Payment\***
- ☒ Exhibit 2: Liquidation Analysis\*
- ☒ Exhibit 3: Table for Lien Avoidance under 11 U.S.C. § 522(f)\*\*
- ☒ Exhibit 4: [Proposed] Order Avoiding Lien Impairing Exemption\*\*

<i>List additional exhibits if applicable.</i>

\*Denotes a required Exhibit in every plan

\*\*Denotes a required Exhibit if the box "Included" is checked in Part 1, Line 1.2.

**Total number of Plan pages, included Exhibits: 10**

EXHIBIT 1

CALCULATION OF PLAN PAYMENT

a)	Secured claims (Part 3.A and Part 3.B.1-3 Total):	<b>\$89,210.20</b>
b)	Priority claims (Part 4.A and Part 4.B Total):	<b>\$0.00</b>
c)	Administrative expenses (Part 4.C.1 and 4.C.2 Total):	<b>\$1,500.00</b>
d)	Nonpriority unsecured claims (Part 5.E Total):	<b>\$14,186.61</b>
e)	Separately classified unsecured claims (Part 5.F Total):	<b>\$0.00</b>
f)	Executory contract/lease arrears claims (Part 6 Total):	<b>\$0.00</b>
g)	Total of (a) + (b) + (c) + (d) + (e) + (f):	<b>\$104,896.81</b>
h)	Divide (g) by .90 for total Cost of Plan including the Trustee's fee:	<b>\$116,580.00</b>
i)	Divide (h), Cost of Plan, by term of Plan, <b>60</b> months:	<b>\$1,942.58</b>
j)	Round <b>up</b> to the nearest dollar amount for Plan payment:	<b>\$1,943.00</b>

*If this is either an amended Plan and the Plan payment has changed, or if this is a postconfirmation amended Plan, complete(a) through (h) only and the following:*

k)	Enter total amount of payments the Debtor(s) has paid to the Trustee:	
l)	Subtract line (k) from line (h) and enter amount here:	
m)	Divide line (l) by the number of months remaining ( months):	
n)	Round up to the nearest dollar amount for amended Plan payment:	

Date the amended Plan payment shall begin: \_\_\_\_\_

EXHIBIT 2

LIQUIDATION ANALYSIS

**A. REAL PROPERTY**

Address (Sch. A/B, Part 1)	Value (Sch. A/B, Part 1)	Lien (Sch. D, Part 1)	Exemption (Sch. C)
14 Sprague Street Revere, MA 02151 Suffolk County	563,750.00	513,917.61	125,000.00

Total Value of Real Property (Sch. A/B, line 55):	\$ 563,750.00
Total Net Equity for Real Property (Value Less Liens):	\$ 49,832.39
Less Total Exemptions for Real Property (Sch. C):	\$ 49,832.39
Amount Real Property Available in Chapter 7:	\$ 0.00

**B. MOTOR VEHICLES**

Make, Model and Year (Sch. A/B, Part 2)	Value (Sch. A/B, Part 2)	Lien (Sch. D, Part 1)	Exemption (Sch. C)
2015 Lexus RX350 70,000 miles	18,575.00	29,494.00	0.00

Total Value of Motor Vehicles (Sch. A/B, line 55):	\$ 18,575.00
Total Net Equity for Motor Vehicles (Value Less Liens):	\$ 0.00
Less Total Exemptions for Motor Vehicles (Sch. C):	\$ 0.00
Amount Motor Vehicle Available in Chapter 7:	\$ 0.00

**C. ALL OTHER ASSETS** (Sch. A/B Part 2, no. 4; Part 3 through Part 7. Itemize.)

Asset	Value	Lien (Sch. D, Part 1)	Exemption (Sch. C)
Household Furnishings	4,000.00	0.00	4,000.00
Misc. Electronics	1,000.00	0.00	1,000.00
Clothing	2,000.00	0.00	2,000.00
Misc. Jewelry	1,000.00	0.00	1,000.00
Cash	25.00	0.00	25.00
Checking: TD Bank	500.00	0.00	500.00
Checking: Santander	500.00	0.00	500.00
D/B/A Artistic Nails & Spa	0.00	0.00	0.00
Misc. Supplies	7,000.00	0.00	7,000.00

Total Value of All Other Assets:	\$ 16,025.00
Total Net Equity for All Other Assets (Value Less Liens):	\$ 16,025.00
Less Total Exemptions for All Other Assets:	\$ 16,025.00
Amount of All Other Assets Available in Chapter 7:	\$ 0.00

**D. SUMMARY OF LIQUIDATION ANALYSIS**

Amount available in Chapter 7	Amount
A. Amount Real Property Available in Chapter 7 (Exhibit 2, A)	\$ 0.00
B. Amount Motor Vehicles Available in Chapter 7 (Exhibit 2, B)	\$ 0.00
C. Amount All Other Assets Available in Chapter 7 (Exhibit 2, C)	\$ 0.00

TOTAL AVAILABLE IN CHAPTER 7: \$ 0.00

**E. ADDITIONAL COMMENTS REGARDING LIQUIDATION ANALYSIS:**

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**EXHIBIT 3.1**  
**TABLE FOR LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)**

*If the Debtor(s) is avoiding more than one lien, the Debtor(s) shall provide the information in a separate table for each lien and identify the table as Exhibit as 3.1, 3.2, etc. to correspond with the list of liens in Part 3.B.3.*

<b>Information Regarding Judicial Lien or Security Interest</b>		
Name of Debtor(s):*	<b>Nhuong T. Nguyen</b>	
Name of Creditor:	<b>Midland Funding</b>	
Collateral:	<b>14 Sprague Street Revere, MA 02151 Suffolk County</b>	
Lien Identification:** (Such as judgment date, date of lien recording, book and page number.)	<b>Judgment Lien</b> <b>Judgment Date 10/18/2011</b> <b>Lien Recorded 5/15/2012</b> <b>Book 49505 Page 192</b>	
<b>Calculation of Lien Avoidance</b>		
(a) Amount of lien:	\$ <b>11,666.61</b>	
(b) Amount of all other liens (exclusive of liens previously avoided or avoided pursuant to this Plan):	\$ <b>502,251.00</b>	
(c) Value of claimed exemptions:	\$ <b>125,000.00</b>	
(d) Total (a), (b), and (c):	\$ <b>638,917.61</b>	
(e) Value of interest in property of the Debtor(s):***	\$ <b>563,750.00</b>	
(f) Subtract (e) from line (d):	\$ <b>75,167.61</b>	
Extent of exemption impairment: (check applicable box below)		
<input checked="" type="checkbox"/> The entire lien is avoided as (f) is equal to or greater than (a). <i>(Do not complete the next section.)</i>		
<input type="checkbox"/> A portion of the lien is avoided as (f) is less than (a). <i>(Complete the next section.)</i>		
<b>Treatment of Remaining Secured Claim</b>		
Amount of secured claim after avoidance <i>(subtract (f) from (a))</i> :	\$	
Interest Rate (if applicable):	%	
Monthly payment on secured claim	\$	
Estimated total payment on secured claim	\$	
*In a joint case, specify whether the lien to be avoided is on an interest of an individual debtor or the joint debtors.	<input type="checkbox"/> Individual Debtor	<input type="checkbox"/> Joint Debtors
	Name:	
**Attach a true and accurate copy of the document or the instrument evidencing such lien as filed or recorded with filing or recording information included.		
***Describe the evidentiary basis for the value of the interest in property of the Debtor(s):		

OLF21A (Official Local Form 21A)

**EXHIBIT 4.1**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re:  
**Nhuong T. Nguyen**

Case No.: **19-12339**  
Chapter 13

Debtor(s)

**ORDER AVOIDING LIEN IMPAIRING EXEMPTION\***

Upon consideration of 1) the Chapter 13 Plan (the "Plan"), through which the Debtor(s) made a request to avoid the lien of **Midland Funding** pursuant to 11 U.S.C. § 522(f) as impairing the exemption of the Debtor(s); 2) the calculation of impairment set forth in Exhibit 3 to the Plan; 3) the Schedule of Exemptions filed by the Debtor(s); 4) the absence of an objection to the avoidance of the lien or the Court having overruled any and all objections to the request for lien avoidance in the Plan; 5) the entire record of proceedings in this case; 6) the Confirmation Order; and 7) the provisions of 11 U.S.C. § 522(f)(1) and (2), Fed. R. Bankr. P. 4003 and MLBR 4003-1,

The Court hereby orders and decrees that the lien of **Midland Funding** recorded on at at impairs the Debtor(s)' exemption in **14 Sprague Street Revere, MA 02151 Suffolk County** (the "Exempt Property") and declares that the lien covering the interest in exempt property of the Debtor(s) is avoided in its entirety [or avoided in part].

Pursuant to 11 U.S.C. § 349(b)(1)(B), the avoided lien shall be reinstated if the case is dismissed unless the Court, for cause, orders otherwise.



By the Court,

---

United States Bankruptcy Judge

*\* This Exhibit may be modified to address each lien listed in Table*

Bk: 49508 Pg: 192

<b>EXECUTION ON MONEY JUDGMENT</b>		<b>DOCKET NUMBER</b> 1114CV000292	<b>Trial Court of Massachusetts District Court Department</b>
<b>CASE NAME</b> Midland Funding Llc v. Nhung Nguyen aka Nhung Thi Nguyen		V01374	
<b>JUDGMENT DEBTOR AGAINST WHOM EXECUTION IS ISSUED</b> Nhung Nguyen aka Nhung Thi Nguyen 14 Sprague St Revere, MA, 02151		<b>COURT NAME &amp; ADDRESS</b> Chelsea District Court 120 Broadway Chelsea, MA 02150	
 2012 00044750 Bk: 49508 Pg: 192 Doc: EXE Page: 1 of 2 05/15/2012 10:29 AM		<b>JUDGMENT CREDITOR(S) IN WHOSE FAVOR EXECUTION IS ISSUED</b> Midland Funding Llc	
<b>JUDGMENT CREDITOR (OR CREDITOR'S ATTORNEY) WHO MUST ARRANGE SERVICE OF EXECUTION</b> Stephen A. Wiener Esq. Law Offices of Howard Leo Schiff PC 340 Main Street Suite 959 Worcester, MA 01608-0813		<b>ATTESTED HERETO</b> Francis M. Roache Register of Deeds	
<b>TO THE SHERIFFS OF THE SEVERAL COUNTIES OR THEIR DEPUTIES, OR (SUBJECT TO THE LIMITATIONS OF G.L. c. 41 § 92) ANY CONSTABLE OF ANY CITY OR TOWN WITHIN THE COMMONWEALTH:</b> The judgment creditor(s) has recovered judgment against the judgment debtor named above in the amount shown below:  WE COMMAND YOU, therefore, from out of the value of any real or personal property of such judgment debtor found within your territorial jurisdiction, to cause payment to be made to the judgment creditor(s) in the amount of the "Execution Total" shown below, plus additional postjudgment interest as provided by G.L. c. 235 § 8 on the "Judgment Total" shown below commencing from the "Date Execution Issued" shown below at the "Annual Postjudgment Interest Rate" shown below, and to collect your own fees, as provided by law. This Writ of Execution is valid for twenty years from the "Date Judgment Entered" shown below. It must be returned to the court, along with your return of service, within ten days after this judgment has been satisfied or discharged, or after twenty years if this judgment remains unsatisfied or undischarged.			
1. Judgment Total		11,007.50	
2. Date Judgment Entered		10/18/2011	
3. Date Execution Issued		04/17/2012	
4. Number of Days from Judgment to Execution (Line 3 - Line 2)		182	
5. Annual Postjudgment Interest Rate		12	
6. Postjudgment Interest from Judgment to Execution (lines 1x4x5)		\$659.11	
7. Postjudgment Costs (if any)		\$	
8. Credits (if any)		\$	
9. EXECUTION TOTAL (Lines 1 + 6 + 7, minus Line 8)		\$11,666.61	
LEVYING OFFICER: (a) Add daily interest from date execution issued:			
(b) Add your fees as provided by law:			
<b>TESTE OF FIRST JUSTICE</b>		<b>DATE EXECUTION ISSUED</b>	<b>CLERK/MAGISTRATE/ASST. CLERK</b>
WITNESS: Hon. Diana L. Maldonado		04/17/2012	

039

www.mass.gov/courts

Date/Time Printed: 04-17-2012 12:46:16

A true copy Attest:

  
Deputy Sheriff Suffolk County

Bk: 49505 Pg: 193

Suffolk, SS.

Boston

May 14, 2012

This execution was this day at five minutes past nine o'clock in the forenoon, placed in my hands for the purpose of taking the lands of the within named judgment debtor(s) Nhuong Nguyen aka Nhuong Thi Nguyen of Revere.

And at said time I seized and took all the right, title and interest which the within named judgment debtor(s) Nhuong Nguyen aka Nhuong Thi Nguyen of Revere in the county of Suffolk, had (not exempt by law from attachment or levy on execution) on May 14, 2012 at five minutes past nine o'clock in the forenoon, (being the time the same was taken on execution) in and to the following described real estate and is bounded and described as follows, viz: A certain parcel of

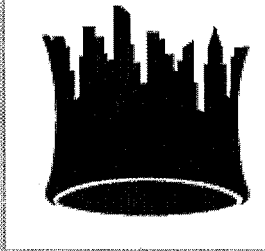
land with buildings thereon in Revere, Suffolk County, Massachusetts, more particularly described as follows:

Lot 5 on a Plan of Land by Whitman & Beck Surveyors, 16 Water Street, Boston, Massachusetts, Scale 80 ft=1 inch, dated 1878, recorded with Suffolk Deeds at the end of Book 1427, to which plan reference may be made for a more particular description.

Hereby conveying the same premises described in deed from Angela Gravallese, Trustee of The 14 Sprague Street Realty Trust, to Nghi D. Nguyen and Nhuong Thi Nguyen dated May 31, 2006, recorded with Suffolk Registry of Deeds in Book 39714, Page 338.

and I have levied this execution thereupon. (And immediately afterwards, by direction of the creditor's attorney, I suspended the further levy of this execution on said real estate.)

Michelle Brassard  
Deputy Sheriff



## **Comparative Market Analysis**

To establish market value of

**14 Sprague St  
Revere, MA**

Prepared for Nhuong Nguyen  
By William Cordts



**Contents of this  
Comparative Market Analysis**  
Prepared for Nhuong Nguyen

- Cover Page
- Subject Property Report
- Market Analysis Summary
- Side by Side Property Comparisons (3-up)
- Sold Properties Graph
- Pricing Adjustment per Property (Appraisal Style)
- Suggested Sales Price
- Estimated Net Proceeds of Sale (Net Sheet)



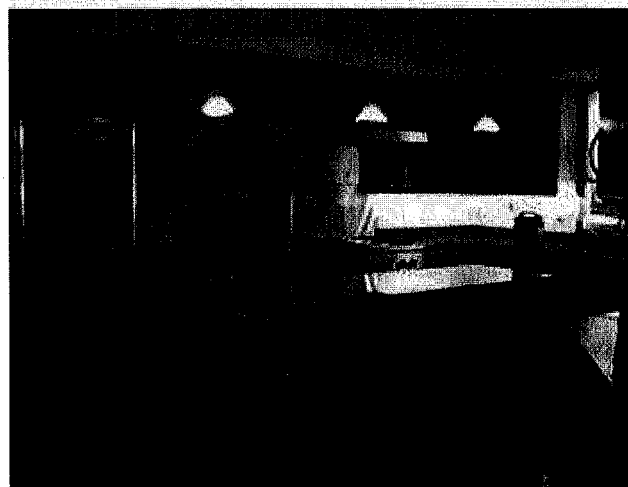
**Subject Property**  
Prepared for Nhung Nguyen

**14 Sprague St**  
**Revere, MA 02151-5023**  
**Single Family**

MLS #: **70813160** Status: **Canceled**  
List Price: **\$510,000**  
List Date: **8/29/2008**  
Area: Off Market Date: **11/19/2008**  
List\$/SqFt: **\$209.88**  
Days on Market (Total): **82** Days on Market (Office): **82**  
Neighborhood/Sub-Division: **Near Town Center**

### Property Features

Rooms: **8** Style: **Colonial, Contemporary**  
Bedrooms: **4** Type: **Detached**  
Baths: **2f 1h** Apprx Acres: **0.13**  
Master Bath: **Yes** Apprx Lot Size: **5695 sq.ft.**  
Fireplaces: **1** Apprx Living Area: **2430 sq.ft.**  
Year Built: **1999** Foundation Size: **0 (Poured Concrete)**  
Color: **Soft Grey** Garage: **2 Attached**  
Parking: **4 Off-Street**  
Handicap Access/Features:



### Room Descriptions

Room	Level	Size	Features
Living Room:	1		Ceiling - Cathedral
Dining Room:	1	--	
Kitchen:	1	--	
Master Bedroom:	2		Fireplace, Closet - Walk-in
Bedroom 2:	2	--	
Bedroom 3:	2	--	
Bedroom 4:	2	--	
Bath 1:	1		Bathroom - Half
Bath 2:	2		Bathroom - Full
Bath 3:	2		Bathroom - Full
Laundry:	2	--	
Mud Room:	1	--	
Office:	2	--	

### Features & Other Information

Appliances: **Wall Oven, Dishwasher, Disposal, Countertop Range, Refrigerator, Freezer**  
Area Amenities: **Public Transportation, Shopping, Medical Facility, Laundromat**  
Basement: **No**  
Construction: **Frame**  
Cooling: **Central Air**  
Exclusions: **All Televisions**  
Exterior: **Vinyl**  
Heating: **Forced Air, Gas**  
Interior Features: **Central Vacuum, Security System, Cable Available, Walk-up Attic**  
Lead Paint: **None**  
Roof: **Asphalt/Fiberglass Shingles**  
Sewer Utilities: **City/Town Sewer**  
Water Utilities: **City/Town Water**  
Waterfront: **No**  
Short Sale w/Lndr.App.Req: **Unknown**  
Lender Owned: **Undisclosed**

### Remarks

**BEAUTIFULLY DESIGNED CUSTOM BUILT CONTEMP w/CATHEDRAL CEILINGS & CHANDELIERED FOYER, FULL CHEF'S KITCHEN AND DINNINGRM FOR ENTERTAINING, MUDRM, PATIO and YARD, 2 FULL AND 1 HALF BATH, 4 BEDRMS w/ OFFICE/HOBBIE RM. FIREPLACED MASTERBEDRM w/ MASTER BATH AND GENEROUS HIS & HERS WALKIN CUSTOM CLOSETS, GREAT SIZE GARAGE w/ STORAGE, CENTRAL AIR AND SECURITY SYS. CLOSE TO LIBRARY AND TOWN CENTER THIS HOME CAN BE PURCHASED WITH ALL FURNITURE, TV's EXCLUDED.**

### Tax Information

2008 Taxes: **\$3872** Assessment: **\$382,200**  
Pin #: **015 B:259 P:013**

Cert: **00062514** Zoning Code: **RB**  
Map: Block: Lot: Book: **39714** Page: **338**



## Market Analysis Summary

Prepared for Nhung Nguyen

### Properties Recently Sold

Number of Properties: 4

Price Range: \$505,000 to \$625,000

Average Price: \$556,250

Median Price: \$547,500

Address	City	Beds	Baths Full Half		Living Area (Square Feet)	Days on Market	List Price	Sale Price	SP% of LP
83 Reservoir Ave	Revere, MA	4	2	0	3070	25	\$497,000	\$505,000	102%
235 Cushman Ave	Revere, MA	3	2	1	3307	24	\$549,900	\$545,000	99%
44 Bixby St	Revere, MA	4	3	0	2990	19	\$549,900	\$550,000	100%
76 Proctor Ave	Revere, MA	4	3	1	3216	20	\$599,999	\$625,000	104%

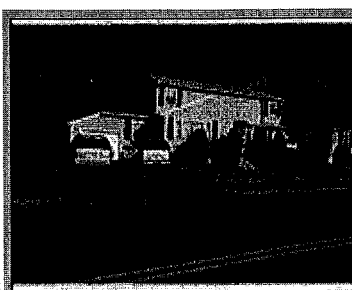


# Property Comparisons

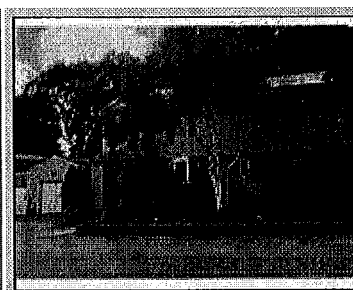
Prepared for Nhung Nguyen



83 Reservoir Ave  
Revere, MA 02151



235 Cushman Ave  
Revere, MA 02151



44 Bixby St  
Revere, MA 02151

MLS #	72401519	72443998	72381838
Status	Sold	Sold	Sold
List Price	\$497,000	\$549,900	\$549,900
Sale Price	\$505,000	\$545,000	\$550,000
List Date	9/26/2018	1/21/2019	8/21/2018
Off Market Date	10/20/2018	2/14/2019	9/8/2018
Sale Date	12/31/2018	4/12/2019	10/1/2018
Days on Market	25	24	19
Style	Colonial	Other (See Remarks)	Colonial
Bedrooms	4	3	4
Full Baths	2	2	3
Half Baths	0	1	0
Total Rooms	9	13	8
Square Feet	3070	3307	2990
Acres	0.13	0.29	0.1
Lot Size (sq.ft.)	5757	12660	4167
Year Built	1925	1962	1944
Fireplaces	0	1	0
Garage Spaces	1	1	1
Garage Desc	Under	Attached	Attached
Basement Desc	Partial, Garage Access	Full, Finished	Full, Finished, Walk Out, Bulk...
Int. Features	Cable Available		
Ext. Features	Porch, Gutters, City View(s)	Porch, Porch - Enclosed, Patio...	Patio, Storage Shed, Professio...
Sewer & Water			
Waterfront			
Beach Desc		Ocean	Ocean
Assessed Value	\$395,100	\$590,400	\$428,200
Taxes	\$5,120	\$7,150	\$5,714.06
Tax Year	2018	2019	2018



# Property Comparisons

Prepared for Nhung Nguyen



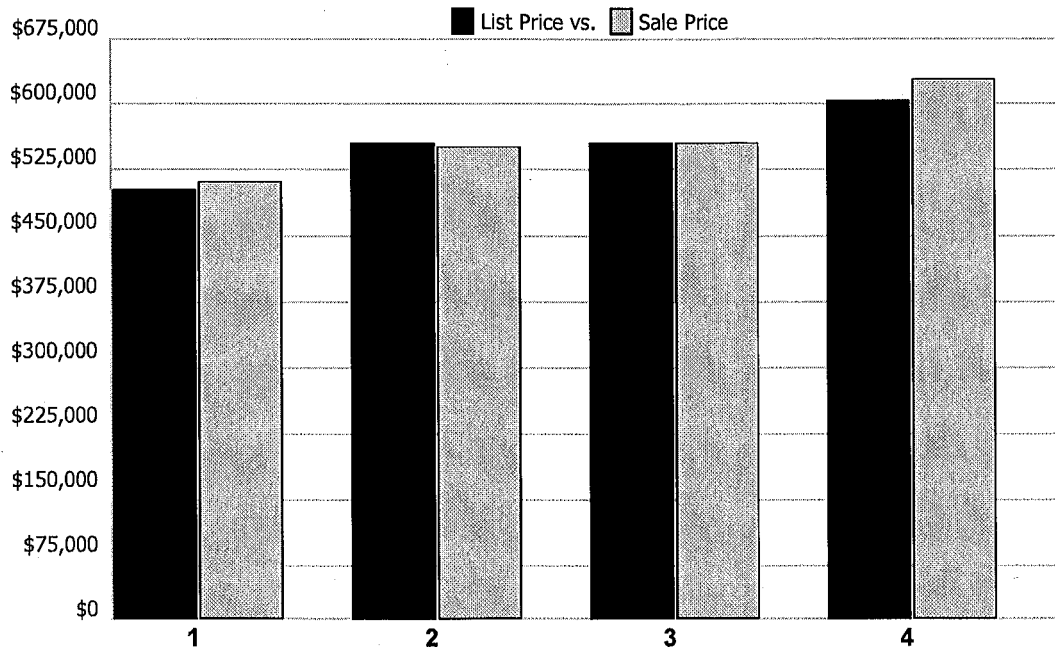
76 Proctor Ave  
Revere, MA 02151

MLS #	72346418
Status	Sold
List Price	\$599,999
Sale Price	\$625,000
List Date	6/14/2018
Off Market Date	7/3/2018
Sale Date	7/30/2018
Days on Market	20
Style	Colonial
Bedrooms	4
Full Baths	3
Half Baths	1
Total Rooms	8
Square Feet	3216
Acres	0.26
Lot Size (sq.ft.)	11340
Year Built	1950
Fireplaces	2
Garage Spaces	1
Garage Desc	Attached, Storage
Basement Desc	Full, Finished, Walk Out, Inte...
Int. Features	Security System, Cable Available
Ext. Features	Patio, Gutters, Storage Shed, ...
Sewer & Water	
Waterfront	
Beach Desc	
Assessed Value	\$396,800
Taxes	\$5,143
Tax Year	2018



# Sold Properties Graph

Prepared for Nhung Nguyen



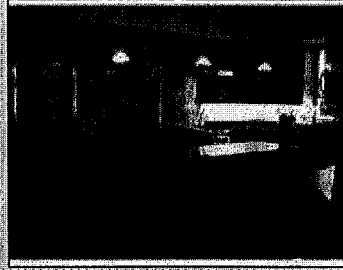
	Address	City	Days on Market	List Price	Sale Price
1	83 Reservoir Ave	Revere, MA	25	\$497,000	\$505,000
2	235 Cushman Ave	Revere, MA	24	\$549,900	\$545,000
3	44 Bixby St	Revere, MA	19	\$549,900	\$550,000
4	76 Proctor Ave	Revere, MA	20	\$599,999	\$625,000



## Pricing Adjustments per Property

Prepared for Nhuong Nguyen

### Subject Property



14 Sprague St  
Single Family - Canceled  
Revere, MA 02151  
List Price: \$510,000  
List Date: 8/29/2008  
Off Market Date: 11/19/2008  
Days on Market: 82

### Comparable No.1



83 Reservoir Ave  
Single Family - Sold  
Revere, MA 02151  
List Price: \$497,000  
Sale Price: \$505,000  
List Date: 9/26/2018  
Off Market Date: 10/20/2018  
Sale Date: 12/31/2018  
Days on Market: 25

### Comparable No.2



235 Cushman Ave  
Single Family - Sold  
Revere, MA 02151  
List Price: \$549,900  
Sale Price: \$545,000  
List Date: 1/21/2019  
Off Market Date: 2/14/2019  
Sale Date: 4/12/2019  
Days on Market: 24

### Adjustments

Item	Description	Description	+(-) \$ Adjustment	Description	+(-) \$ Adjustment
Living Area	3124	3070		3307	
Number of Bedrooms	4	4		3	
Number of Full Baths	2	2		2	
Number of Half Baths	1	0	15,000	1	
Number of Rooms	8	9		13	
Net Adjusted (Total)			15,000		0
Adjusted Price			\$520,000		\$545,000



## Pricing Adjustments per Property

Prepared for Nhuong Nguyen

### Subject Property



14 Sprague St  
Single Family - Canceled  
Revere, MA 02151  
List Price: \$510,000  
List Date: 8/29/2008  
Off Market Date: 11/19/2008  
Days on Market: 82

### Comparable No.3



44 Bixby St  
Single Family - Sold  
Revere, MA 02151  
List Price: \$549,900  
Sale Price: \$550,000  
List Date: 8/21/2018  
Off Market Date: 9/8/2018  
Sale Date: 10/1/2018  
Days on Market: 19

### Comparable No.4



76 Proctor Ave  
Single Family - Sold  
Revere, MA 02151  
List Price: \$599,999  
Sale Price: \$625,000  
List Date: 6/14/2018  
Off Market Date: 7/3/2018  
Sale Date: 7/30/2018  
Days on Market: 20

### Adjustments

Item	Description	Description	+(-) \$ Adjustment	Description	+(-) \$ Adjustment
Living Area	3124	2990		3216	
Number of Bedrooms	4	4		4	
Number of Full Baths	2	3	-15,000	3	-25,000
Number of Half Baths	1	0		1	
Number of Rooms	8	8		8	
Net Adjusted (Total)			-15,000		-25,000
Adjusted Price			\$535,000		\$600,000

**Suggested Sales Price**  
Prepared for Nhung Nguyen

	Days on Market	Price
<b>No. 1</b> - 83 Reservoir Ave, Revere, MA	25	\$520,000
<b>No. 2</b> - 235 Cushman Ave, Revere, MA	24	\$545,000
<b>No. 3</b> - 44 Bixby St, Revere, MA	19	\$535,000
<b>No. 4</b> - 76 Proctor Ave, Revere, MA	20	\$600,000
<b>Indicated Value by Sale Comparison Approach</b>	<b>22.00</b>	<b>\$550,000</b>

**Net Proceeds of Sale**  
Prepared for Nhuong Nguyen

Seller's Name: Nhuong Nguyen

Property Address: 14 Sprague St, Revere, MA

## PRICE RANGE

LOW

HIGH

Sale Price .....	<b>\$536,250</b>	<b>\$563,750</b>
Loan Amount/Debt Owed on Property .....	\$0	\$0
Net Equity in Property (Sales Price - Loan Amount) .....	<b>\$536,250</b>	<b>\$563,750</b>
Estimated Selling/Closing Costs .....		
Approximate Total Costs .....	<b>\$0</b>	<b>\$0</b>
Estimate of Seller's Proceeds .....	<b>\$536,250</b>	<b>\$563,750</b>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re: **Nhuong Nguyen**

Case No. **19-12339 – FJB**  
Chapter 13

**CERTIFICATE OF SERVICE OF CHAPTER 13 PLAN**

I/We hereby certify that on August 6, 2019 and in accordance with MLBR, Appendix 1, Rule 13-4(b), I/we served by first class United States mail a copy of this Plan to the on the parties on the attached list.

By the Debtor(s):  
**Nhuong Nguyen**

/s/ Richard D. Smeloff  
Richard D. Smeloff  
BBO# 567869  
Smeloff & Associates  
500 Granite Ave  
Suite 7 & 8  
Milton MA 02186  
(617) 690-2124  
rsmeloff@msn.com

RAS Crane, LLC  
Bankruptcy Department  
10700 Abbott's Bridge Road  
Suite 170  
Duluth, GA 30097

LVNV Funding, LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

Capital One Bank (USA), N.A.  
4515 N Santa Fe Ave  
Oklahoma City, OK 73118

Massachusetts Department of Revenue  
Bankruptcy Unit  
P O Box 9564  
Boston, MA 02114

Wilmington Savings Fund Society  
9990 Richmond Ave.  
Suite 400 South  
Houston, TX 77042

Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130

Convergent Outsourcing, Inc.  
Po Box 9004  
Renton, WA 98057

First PREMIER Bank  
Attn: Bankruptcy  
Po Box 5524  
Sioux Falls, SD 57117

Kohls/Capital One  
Attn: Bankruptcy  
Po Box 30285  
Salt Lake City, UT 84130

Law Office of Howard Lee Schiff P.C  
340 Main Street #959  
Worcester, MA 01608

Midland Funding  
2365 Northside Dr Ste 300  
San Diego, CA 92108

Orlans PC  
PO Box 540540  
Waltham, MA 02454

Selene Finance  
Attn: Bankruptcy  
Po Box 422039  
Houston, TX 77242

Specialized Loan Servicing  
Attn: Bankruptcy  
8742 Lucent Blvd. Suite 300  
Littleton, CO 80129

Toyota Financial Services  
Attn: Bankruptcy Dept  
Po Box 8026  
Cedar Rapids, IA 52409

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re: **Nhuong Nguyen**

Case No. **19-12339 – FJB**  
Chapter 13

**AFFIDAVIT OF SERVICE OF CHAPTER 13 PLAN**

I, Richard D. Smeloff certify that service of a copy of this Plan was made on the creditors and in the manner set forth in the attached list on August 6, 2019.

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and was at all times during the service of a copy of this Plan, not less than 18 years of age and not a party to the matter concerning which service was made.

I declare that the foregoing is true and correct under penalty of perjury.

Dated: August 6, 2019

**/s/ Richard D. Smeloff**

Richard D. Smeloff  
BBO# 567869  
Smeloff & Associates  
500 Granite Ave  
Suite 7 & 8  
Milton MA 02186  
(617) 690-2124  
rsmeloff@msn.com

**CERTIFIED U.S. POSTAL**

Midland Funding LLC  
Attn: CEO Brandon Black  
2365 Northside Dr  
Suite 300  
San Diego, CA 92108

Law Office of Howard Lee Schiff P.C  
340 Main Street #959  
Worcester, MA 01608

Law Office of Howard Lee Schiff PC  
PO Box 280245  
East Hartford, CT 06108